

**TITLE 2. ADMINISTRATION
DIVISION 3. STATE PROPERTY OPERATIONS
CHAPTER 1. STATE LANDS COMMISSION
ARTICLE 4.8. THE COLLECTION OF INFORMATION
RELATING TO HULL HUSBANDRY PRACTICES OF VESSELS FOR CONTROL OF
MARINE INVASIVE SPECIES IN WATERS OF CALIFORNIA**

NOTICE OF PROPOSED REGULATORY ACTION

The California State Lands Commission (the Commission) proposes to adopt the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt a new regulation under Article 4.8, Section 2298, to Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR), Hull Husbandry Reporting Form. This section requires the master, owner, operator, agent, or person in charge of a vessel specified in Section 71201 of the Public Resources Code (P.R.C.) to comply with the provisions of Sections 71205(e) and 71205(f) of the P.R.C.

The proposed regulatory form would specify information reporting requirements and instructions for the master, owner, operator, agent, or person in charge of a vessel, United States or foreign, carrying, or capable of carrying, ballast water into the coastal waters of the State. The reporting of this information will allow the Commission to collect and analyze data on hull husbandry practices and voyage characteristics related to vessel fouling.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 pm on July 21, 2008. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Ravi Varma
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

P.R.C. Section 71205(e) directs the Commission to develop a form to be completed by the master, owner, operator, agent, or person in charge of a vessel specified in P.R.C. Section 71201. Accordingly, the proposed regulation would implement, interpret, or make specific the required information specified in P.R.C. Section 71205(e).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to adopt Article 4.8, Section 2298 in Title 2 of the California Code of Regulations.

P.R.C. Section 71205(e) directs the Commission to develop a form to be completed by the master, owner, operator, agent, or person in charge of a vessel specified in P.R.C. Section 71201. The purpose of this form is to enable the Commission to obtain information regarding the hull husbandry practices and voyage characteristics related to vessel fouling.

Section 2298 of the California Code of Regulations, the Hull Husbandry Reporting Form will allow the Commission to collect the necessary data required by P.R.C Sections 71205(e) and 71205(f) to develop and adopt regulations governing the management of hull fouling on vessels arriving to a California port or place as required by Section 71204.6.

The “Hull Husbandry Reporting Form” has been incorporated by reference and is available for review in the Initial Statement of Reasons.

The Commission is now proposing a new Article 4.8, “The Collection of Information Relating to Hull Husbandry Practices of Vessels for Control of Marine Invasive Species in Waters of California,” under Title 2, Division 3, Chapter 1, Article 4.8 of the CCR, consisting of a single Section 2298.

§2298 would establish reporting requirements for the master, owner, operator, agent, or person in charge of a vessel specified in Section 71201 of the Public Resources Code to comply with the provisions of Section 71205(e) of the Public Resources Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following determinations:

The Commission has determined that the proposed regulation does not impose any mandates on local agencies or school districts.

The Commission has also determined that the proposed regulation does not impose any mandate requiring state reimbursement to any local agency or school district, pursuant to Government Code Sections 17500 *et seq.* No other non-discretionary cost or savings imposed on local agencies is anticipated.

The Commission has determined that no costs or savings to any other state agencies are anticipated.

The Commission has determined that the proposed regulation will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Commission has determined that the proposed regulation will have no significant impact upon any of the following:

- (1) Creation or elimination of jobs within the State of California;
- (2) Creation of new business or the elimination of existing businesses within the State of California; and
- (3) Expansion of businesses currently doing business within the State of California.

The Commission has determined that the adoption of this regulation will not affect small businesses. None of the businesses that will be governed by these proposed regulations can be considered to be a 'small business' as defined in Gov. Code § 11342.610.

The Commission has determined that the proposed regulation will have no significant effects on housing costs.

The Commission has determined that the proposed regulation will have no impact on costs or savings in Federal funding to the State.

The Commission finds that the adoption of this regulation, which requires a report applying to businesses, is necessary for the health, safety, or welfare of the people of this state.

FISCAL IMPACT STATEMENT/FORM 399

The proposed regulations are reporting requirements only, as specified in P.R.C. Section 71205(e). Therefore, minimal costs will be incurred.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulation may be directed to:

Maurya Falkner
Environmental Program Manager I
California State Lands Commission
Marine Facilities Division
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-2568
Facsimile: (916) 574-1950

Or to: Mark A. Meier
Senior Staff Counsel
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-1853
Facsimile: (916) 574-1855

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations if any or, other information upon which the rulemaking is based should be directed to:

Ravi Varma
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Telephone: (562) 499-6312
Facsimile: (562) 499-6317

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. As of the date this notice is published in the Notice register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the original proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least fifteen days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Ravi Varma at the address indicated above. The Commission will accept written comments on the modified regulation for fifteen days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of regulations can be accessed through our website at:

http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Ballast_Water_Default.html